IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.2898 OF 2006

Sau Housabai Chandrakant Layakar Applicant
versus
State of Maharashtra Respondent

Mr.P.D.Dalvi for applicant.
Mr.Pednekar, APP.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 18th August 2006

PC :

1. Heard shri Dalvi appearing for the applicant and Shri Pednekar-APP for State.

2. The applicant is apprehending arrest in connection with CR No.41 of 2006 registered with Hupari Police Station, Tal.Hatkanangale, Dist. Kolhapur. The offences are punishable under sections 307, 324, 326, 336, 427, 452, 504, 143, 144 and 147 to 149 of IPC R/W Section 135 of Bombay Police Act. There are 20 accused.

3. The complainant has alleged in his statement that one unknown lady snatched Gold Chain of

injured witness Swati who is mother of the complainant. Earlier the complainant named one Shevanta Kokne as the lady who is responsible for snatching this chain. The name appeared in the remand report as well. However, the applicant apprehends arrest because now the version is that this unknown lady and Shevantabai are not one and the same. The applicant is not admittedly Shevantabai. It is her case that she is residing for about last 35 years at Hupari.

4. This is a case where the FIR was registered because of a fight which took place.

5. There is no role attributed to the applicant other than snatching of gold chain. There are no weapons that are being carried and used by her. She is not responsible for the beating and assault as alleged in the FIR..

6. In these circumstances and when the applicant is a lady and other women accused have been enlarged on bail, I see no justification in the learned Trial Judge rejecting the application of the applicant.

7. The applicant deserves to be enlarged on bail

in the event of her arrest in the subject CR..

Hence, following order.

8. ORDER :-

(i) In the event of the arrest of the applicant in connection with C.R.No.41 OF 2006 registered with Hupari Police Station, Tal.Hatkanangale, Dist. Kolhapur the applicant shall be enlarged on bail subject to furnishing P.R.Bond in the sum of Rs.10,000/- (Rs.Ten thousand only) with one or two sureties in the like sum;

(ii) The bail is granted subject to condition that the applicant will attend the concerned Police Station once in a week on every Wednesday between 12.00 p.m. to 02.00 p.m. till filing of charge sheet.

(iii) The bail is granted subject to condition that the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of accusation against him so as to dissuade him from disclosing such facts to the Court or to the Police Officer/Investigating Agency. The applicant shall not tamper with the prosecution evidence.

(iv) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

(v) This order will enure to the benefit of the applicant only till charge sheet is filed. Thereafter, he will be free to apply to the appropriate Court for appropriate relief.

(vi) Application is disposed of in the above terms.

(S.C.DHARMADHIKARI, J.)